

Exclusions Policy
The Exclusion of A Pupil From A Bath And Wells Multi Academy Trust School

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1. Introduction

This policy covers the management and administration of Fixed Term and Permanent Exclusions across schools in the Bath and Wells Multi Academy Trust (The Trust). It is strongly recommended that this policy is read in conjunction with the School Behaviour Policy, Single Equalities Policy and the guidance set out in the Department for Education document entitled 'Exclusion from maintained schools, academies and pupil referral units in England' which can be downloaded at <https://www.gov.uk/government/publications/school-exclusion> a paper copy requested from the School Office.

The Bath and Wells Multi Academy Trust strives to ensure that each of its schools present a safe and enjoyable place in which to learn, encompassing equality and diversity throughout the school community. It is expected that teachers, young people, children and parents/carers will work together with integrity, respect and in harmony in order to grow and maintain this culture. Behaviour which breaches the requirements of the School Behaviour Policy will not be accepted and consequently there may, regrettably, be occasions when a pupil(s) must be excluded from his/her school.

The decision to exclude a pupil, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:

- In response to serious or persistent breaches of the school's Behaviour Policy
- If allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

The Headteacher is the only member of staff in a school who can decide to exclude a pupil from the premises.

This policy has been written following the 2017 guidelines outlined in the Department for Education 'Exclusions from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' and relates to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007

<https://www.gov.uk/government/publications/school-exclusion>

Please note: specific guidance for Head Teachers at the back of this document (Annex B).

2. Decision Making:

Before reaching a decision to exclude either permanently or for a fixed period, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the School's Behaviour and Single Equalities Policies;
- allow the pupil to give his or her version of events;
- check whether the incident may have been provoked for example, by racial or sexual harassment;
- take account of any contributing factors that are identified after an incident for example, if a pupil has been subject to bullying, suffered a bereavement or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including pupils with additional learning needs, 'Children in Care' and previously Looked After Children;
- consult others where appropriate (**whilst not using the pupil's name**), including the ADE, being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Local Governing Committee's Discipline Committee;
- keep a written record of the actions taken, including any interview with the pupil, discussion with parents/carers, and record on CPOMs. Witness statements must be dated and should be signed, wherever possible;
- ensure that the decision to exclude is made in line with the administrative law i.e. that it is:
Lawful (with respect to the legislation relating directly to exclusions and the School's wider legal duties, including the European Convention of Human Rights);
Rational;
Reasonable;
Fair; and
Proportionate
- establish the facts in relation to the exclusion, applying the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'

No Bath and Wells Multi Academy Trust school may authorise the use of 'informal' or 'unofficial' exclusions where pupils are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any exclusion of a must follow the formal process in order to be lawful.

The Headteacher is responsible for the safeguarding of all pupils on roll during the school day. The only times they are not responsible are if the child is ill and has been kept at home or (other authorised absence eg. medical appointment) if they are formally excluded and the responsibility goes to the parents/carers. Elective Home Education (EHE) should never be referred to or encouraged by the Headteacher or member of staff at the school as an alternative to exclusion.

3. Alternatives to Exclusions

Our schools are committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process (Local Authority Front Door to services), working with external agencies and parents/carers to provide support through a Single Assessment for Early Help (SAFeH) and person centred planning approach;
- restorative justice processes;
- the use of the 'alternatives to exclusion checklist' and support from the Local Authority Pupil Referral Unit outreach where appropriate;
- Regulation and reflection space (where appropriate, in line with school's Behaviour Policy);
- A sanction in school, in line with school behaviour policy – (this could include an internal isolation if part of your behaviour policy)

- Access to the Local Authority Behaviour panel (or similar), external agencies such as an Educational Psychologist and statutory SEND services (Please see SEND Key Contacts posters).
- A managed move (only where a pupil is at risk of permanent exclusion), in line with the locally-agreed protocol;

4. Fixed term exclusions

The Headteacher may exclude a pupil for up to 45 days in any one academic year. Generally, fixed-term exclusions will be for one to three days. No exclusion will be given for an unspecified period of time.

A fixed-term exclusion does not have to be for a continuous period. In exceptional circumstances, where further evidence has come to light, a fixed-term exclusion may be extended or converted to a permanent exclusion.

Procedures for review and appeal of fixed term exclusions

In this Section, a “Term” means a full term, ie Autumn Term, Spring Term or Summer Term. A fixed-term exclusion, which does not bring the pupil’s total number of days of exclusion to more than five in a term, will not usually be reviewed by the Local Governing Committee Disciplinary Committee unless a written request is submitted by a parent/carer, within 50 school days of receiving the notice of the exclusion, to review the decision; however, it cannot direct reinstatement.

If a pupil is excluded for more than five days (but not more than 15) in a single term, the Local Governing Committee Disciplinary Committee will consider the reinstatement of the pupil, if requested to do so by the parent/carer in writing, within 50 school days of receiving the notice of the exclusion.

If a pupil is excluded for 15 days or more in one term, the Local Governing Committee Disciplinary Committee will meet to consider the reinstatement of a pupil within 15 school days of receiving notice of the exclusion.

If, as a result of a fixed-term exclusion, the pupil will miss a public examination or National Curriculum test, the Local Governing Committee Discipline Committee will meet to consider the exclusion before the date of the examination or test. If it is not possible for the Local Governing Committee Disciplinary Committee to meet, the Chair of the Local Governing Committee may consider the exclusion independently and decide whether or not to reinstate the pupil.

A summary of the exclusion process and the Local Governing Committee’s duties to review exclusion decisions is shown in the flowchart, Appendix A.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 days the Headteacher will consider whether exclusion is providing an effective sanction.

When excluding a pupil who is a ‘Child in Care’ or who has previously been in care, the Headteacher will ensure that the appropriate ‘home’ Local Authority Officer is informed

5. Permanent exclusions

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the School’s Behaviour Policy has occurred, the Headteacher might consider it appropriate, having consulted with the CEO/Director of Education and Local Authority statutory services, to permanently exclude a pupil for a first or one-off incident. Such circumstances might include peer on peer abuse so serious that it amounts to criminal

behaviour (or would do were the child old enough to have criminal responsibility, and were the child to return to school the other child or children involved could not reasonably be expected to feel safe

A Headteacher should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a 'Child in Care'. Before making the decision to permanently exclude a pupil who is a 'Child in Care', or has previously been in care, the Headteacher will discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Headteacher decides to exclude a pupil permanently they will inform the Local Authority. If the pupil lives outside the Local Authority area in which the school is located the Headteacher will also advise the pupil's 'home authority' of the exclusion without delay.

Following permanent exclusion, the Local Governing Committee is required to review the Headteacher's decision. This review is to be carried out within 15 school days for the notice of exclusion.

The school must provide the governors (a panel of a minimum of three governors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer, Director of Education and an invited Local Authority representative should also receive all this information. The governor review meeting is a formal meeting and must be taken seriously. This meeting will be Chaired by one of the panel of three governors.

From day six of a permanent exclusion the Local Authority becomes responsible for the pupil's education. This will be organised through a Pupil Referral Unit (PRU). A placement in a Pupil Referral Unit is not supposed to be long term. An assessment will be carried out and the Local Authority will support the pupil to address the issues which lead to the permanent exclusion.

Process for notification of a fixed term exclusion of more than five consecutive days

A Headteacher must, without delay, notify the Local Governing Committee and the Local Authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent)
- fixed-term exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
- fixed-term exclusions which would result in the pupil missing a public examination or national curriculum test

Procedures for review and appeal of permanent exclusions

The Local Governing Committee Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five school days in advance of the meeting:

- Parents/Carers;
- the Headteacher;
- CEO/Director of Education; and
- An invited representative of the Local Authority

During the meeting, the Local Governing Committee Discipline Committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The Local Governing Committee Disciplinary Committee, when establishing the facts in relation to the exclusion, must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. In light of their consideration, the Local Governing Committee Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

The Local Governing Committee Disciplinary Committee are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The Local Governing Committee Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.

If parents/carers apply for an Independent Review Panel within the legal time frame, the Local Governing Committee/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Local Governing Committee not to reinstate a permanently excluded pupil.

Off Rolling

Off-rolling is the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent/carer to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil. All Headteachers and governors and governors must follow policy robustly, with the best interests of the child at the heart of all we do. We do not tolerate off rolling, which is unlawful. The threat of exclusion must never be used to influence parents/carers to remove their child from the school

LA contacts for exclusions notification

Pupils with an Education, Health and Care Plan (EHCP) should not be permanently excluded. If a pupil has an EHCP, before any decision to exclude is taken, the Headteacher should contact the Local Authority SEND team to discuss.

North Somerset

For Primary aged pupils: Liz.gilmour@n-somerset.co.uk and copy in Jaida.aldred@n-somerset.gov.uk Team Manager, Inclusion and Post 16 Participation

B&NES

[Caroline Dalton@BATHNES.GOV.UK](mailto:Caroline.Dalton@BATHNES.GOV.UK) Alternative Learning Manager

Somerset

Gemma Thorne – Sedgemoor – gthorne@somerset.gov.uk

Julie Wigley – Mendip – jwigley@somerset.gov.uk

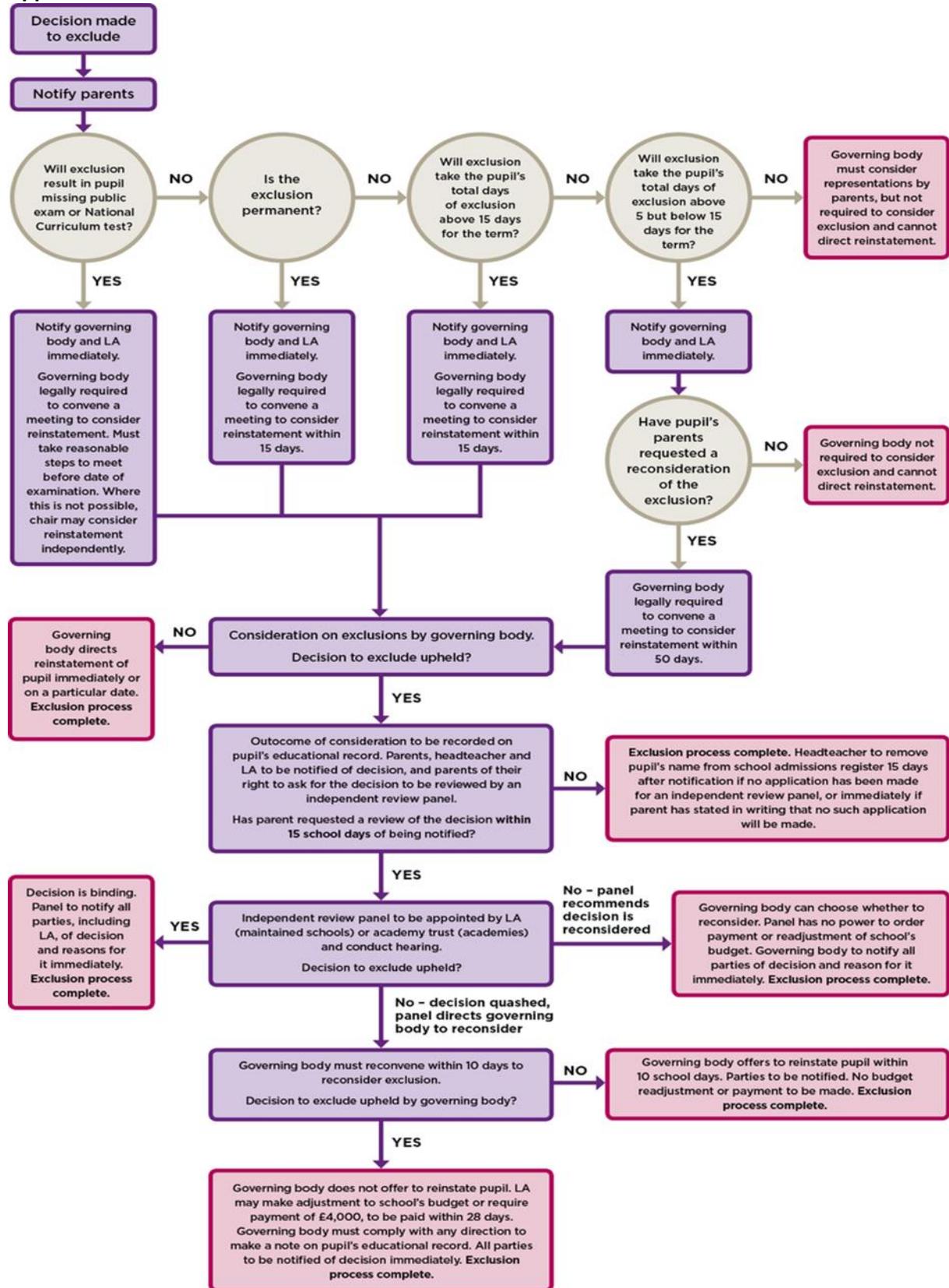
Faith Davis – Taunton & West – fdavis@somerset.gov.uk

Sharon Clarke – South Somerset – sclarke@somerset.gov.uk

If a child has an EHCP, please also contact: Poppy Tuck PZTuck@somerset.gov.uk

Appendix A – Exclusion Flowchart

Before making a decision to exclude, the Headteacher should work through the checklist –
Appendix B



Appendix B – Headteacher’s Exclusion Checklist

As a Trust family, we want to ensure we have taken all necessary steps to avoid exclusion. This checklist is a helpful tool for Headteachers in their decision making. Remember: SEND pupils who have an EHCP should not be excluded and you should seek advice from the 0-25 SEND team before making any decision to exclude.	Yes	No
<p>On the balance of probabilities, did the pupil do it?</p> <ul style="list-style-type: none"> ➤ Pupil witness statements gathered and recorded on CPOMS ensuring the voice of the child and family are accurately recorded. ➤ Staff/relevant adult witness statements. Recorded and stored on CPOMS. ➤ Do statements corroborate? ➤ Based on the balance of probabilities, summarise in the view of the school, the incident. <p>In the view of the school, which aspect of the school’s behaviour policy has been contravened?</p>		
<p>Does the incident represent a serious breach of the school behaviour policy in a series of persistent breaches of the behaviour policy?</p> <ul style="list-style-type: none"> ➤ Does a decision to issue a fixed term or permanent exclusion meet a two-part test? <ol style="list-style-type: none"> 1) There has been a serious breach or persistent breaches of the schools behaviour policy And 2) Allowing the pupil to remain in school would seriously harm the education or welfare of others in the school <p>Could appropriate alternative provision or new interventions be put in place to avoid fixed term exclusion or permanent exclusion?</p>		
<p>Does the pupil’s presence seriously harm the education/welfare of the pupil or others in the school community?</p> <ul style="list-style-type: none"> ➤ Does the pupil have a contextual risk assessment? <p>Were the correct school procedures followed by staff at the time of the incident?</p>		
<p>Is exclusion the appropriate response?</p> <p>Factors to Consider</p> <ul style="list-style-type: none"> ➤ Decision to exclude not taken in the heat of the moment ➤ A thorough investigation has been carried out ➤ Evidence has been considered in the light of policies and discrimination (including the Equalities Act) ➤ The pupil’s views have been encouraged, heard and recorded ➤ Mitigating circumstances and provocation (bullying etc.) have been considered ➤ Appropriate wider consultation has been considered 		
<p>Has there been involvement from outside agencies, which could include specialist teachers (SEND) or Behaviour/Inclusion Service or an Educational Psychologist?</p> <ul style="list-style-type: none"> ➤ Does the pupil have a behaviour support plan? ➤ What the support outlined available at the time of the incident? ➤ What processes and support are already in place, i.e. Thrive, ELSA, Boxall, Talkabout, Zones of Regulation (attach support plan) <p>If no support plan in place, consider using one prior issuing an exclusion.</p>		
<p>Has a pastoral support programme been tried?</p> <ul style="list-style-type: none"> ➤ Has the pupil experienced ACES? <p>What is the current state of the pupil’s health and wellbeing?</p>		
<p>Is there evidence of the graduated response and Assess Plan Do Review being implemented?</p> <p>Is there enough evidence to request an EHC needs assessment?</p>		
<p>Has this case been brought to an LA Behaviour/Inclusion panel?</p>		
<p>Is there an Early Help strategy/SAFeH/Front door LA partnership process in place?</p>		
<p>Have alternatives to exclusion been considered?</p>		
<ul style="list-style-type: none"> ➤ Special Considerations 		
<p>Does this pupil have an Education Health Care Plan [EHCP] (statement of special educational needs)?</p>		

<p>Pupils with an Education, Health and Care Plan (EHCP) should not be permanently excluded and special consideration should be taken if there is a risk of a fixed term exclusion. The following steps should be taken:</p> <p>If so:</p> <ul style="list-style-type: none"> ➤ Have you contacted the special needs officer? ➤ Has an emergency annual review been called? 		
<p>Is this pupil currently a child in the care of the Local Authority (Looked After Child), or has been previously?</p> <p>If so:</p> <ul style="list-style-type: none"> ➤ Have you contacted the Head of the Virtual School and Social Worker? 		
<p>Is this pupil subject to Child Protection procedures or a Child In Need?</p> <p>If so:</p> <p>Have you spoken to the Social Worker?</p>		
<p>Have issues of SEN, disability, race and care been fully considered?</p>		

Appendix C – Reintegration Checklist following an exclusion

This checklist supports school leaders in planning for and effective reintegration of a pupil following an exclusion.	Yes	No
<p>Have you held a meeting with the parent/carer and pupil on the first day that the pupil returns to school to discuss:</p> <ul style="list-style-type: none"> • Listened to the voice of the child and parent/carer in what will support them moving forwards? • Shared the school’s expectations and school behaviour policy? • Discussed any reasonable adjustments that might be made? • Fed back the outcome of this meeting to any staff involved in working with the child? <p>Have you recorded the details of this meeting on CPOMS with any relevant actions you will take as a result of the meeting?</p>		
<p>Have you identified a key adult as a point of contact for the child and family?</p>		
<p>Are there reasonable adjustments required as part of the support needed for the child’s reintegration? Has this been well planned for with all adults who will be involved with the child?</p>		
<p>Has the child’s work (that was completed during the exclusion) been reviewed with feedback given to the child?</p>		
<p>If the child is on a child protection plan or child in need plan, have you contacted the social worker to ensure they are informed of the reintegration plan?</p>		
<p>If the child is looked after, or has been previously, have you contacted the Head of Virtual School to ensure they are informed of the reintegration plan?</p>		
<p>Does the child need a positive behaviour plan?</p>		
<p>Does the child need a positive handling plan?</p>		
<p>Does the child require a risk assessment to be put in place, to keep them safe?</p>		

Appendix D – Exclusions Guidelines and Administrative Process (linked to letters below)

<p>FIXED TERM up to and including 5 days in one term <i>(can be cumulative)</i> Model Letter 1</p>	<p>FIXED TERM adding up to more than 5 days and up to 15 days in one term <i>(can be cumulative)</i> Model Letter 2</p>	<p>FIXED TERM adding up to MORE THAN 15 days in one term and no more than 45 days in school year <i>(can be cumulative)</i> Model Letter 3</p>	<p>PERMANENT Model Letter 4</p>
<ol style="list-style-type: none"> 1. Immediately inform parents/carers of type and length of exclusion and reasons for exclusion. 2. Inform parents/carers of right to make representations to Gov. Body (model letter 1). 3. Inform LA and record on Scholarpack. Record the details of the incident on CPOMS. 4. Make arrangements for setting and marking work. 5. Make arrangements for a re-integration meeting that plans how future behaviour will be managed <i>(not compulsory but good practice)</i>. 6. Maintain school exclusions database in order to monitor an 	<ol style="list-style-type: none"> 1. Immediately inform parents/carers of type and length of exclusion and reasons for exclusion. 2. Inform parents/carers of right to make representations to Gov. Body (model letter 2). 3. Inform Gov. Body to arrange meetings between 6th and 50th schools days following exclusion, if parent has requested a meeting. 4. Inform LA and record exclusion on Scholarpack. within one school day. 5. Make arrangements for setting and marking work for the first 5 days. 6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed <i>(not compulsory but good practice)</i>. 7. Ensure all required documentation is made available to Gov. Body, Parent and LA when required. 8. Comply with Gov. Body’s resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve. 9. Start/Continue a SAFeH and engage with 	<ol style="list-style-type: none"> 1. Immediately inform parents/carers of type and length of exclusion, and reasons for exclusion. 2. Inform parents/carers of right to make representations to Gov. Body (model letter 3). 3. Inform Gov. Body to arrange meeting on or before 15th school day – statutory meeting. 4. Inform LA responsible officer for exclusions via email. 5. Make arrangements for setting and marking work for the first 5 days. 6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed <i>(not compulsory but good practice)</i>. 7. Ensure all required documentation is made available to Gov. Body, parent/carer and LA. 8. Comply with Gov. Body’s resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve. 9. Start/Continue a SAFeH and engage with external agencies as a preventative approach and parents/carers as a preventative approach to develop an action plan. Ensure parents/carers & pupil’s views are included in action plans and reviews <i>(not compulsory but</i> 	<ol style="list-style-type: none"> 1. Immediately inform parents/carers of type of exclusion and reasons for exclusion. 2. Inform parents/carers of right to make representations to Local Governing Committee (Model letter 4). 3. Inform Local Governing Committee to arrange meeting on or before 15th school days. 4. Inform LA responsible officer for exclusions via email and phone to inform LA of the permanent exclusion and that information has been send securely. 5. Complete a referral to PRU, send securely and ensure information has been received by telephone. 6. Make arrangements for setting and marking work for the first 5 days (If fixed term made permanent start counting again from the date the exclusion is made permanent). 7. Ensure all required documentation made available (5 school days before the hearing) to Local Governing Committee, parent/carer, Director of

<p>aggregate of fixed term exclusions.</p> <p>7. Report exclusions termly to Gov Body via the HT report.</p>	<p>external agencies and parents/carers as a preventative approach to develop an action plan. Ensure parents/carers & pupil's views are included in action plans and reviews (not compulsory but good practice).</p> <p>For all fixed term exclusion over 5 days</p> <ul style="list-style-type: none"> • Arrange suitable full time education from the 6th day • Inform parents/carers of arrangements for education during the exclusion 	<p>good practice).</p> <p>For all fixed term exclusion over 5 days</p> <ul style="list-style-type: none"> • Arrange suitable full time education from the 6th day (this is the school's responsibility) • Inform parents/carers of arrangements for education during the exclusion 	<p>Ed. and invited LA rep, using secure communication.</p> <p>8. Comply with LCG's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve. (model letter 5)</p> <p>9. Maintain the pupil on the school roll until the parental right to ask for the decision to be reviewed (para. 79 - 82) is exhausted.</p>
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Notes: Any reference to page numbers or paragraphs refers to **Exclusion from Maintained Schools, Academies and Pupil Referral Units in England – September 2017**

- Letters may need to be translated into other languages where the parents/carers first language is not English.
- For all exclusions – if the child loses the opportunity to take a public examination or National Curriculum Test the Local Governing Committee MUST be informed.(Para's 40, 49, 55, 57 and 62 and **Annex A** Flowchart of DfE Exclusion Guidance Sept 2017 and **Annex B A non-statutory guide for head teachers**.)
- Lunchtime exclusion counts as half day.
- A child in the care of the LA (or in voluntary care), or has previously been in the care of the LA, should not be excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable alternative full –time provision from Day 1. (summary and Para's 21, 23-25, 48, 50 and **Annex B A non-statutory guide for head teachers** DfE Exclusion Guidance Sept 2017).
- At all stages of the process, schools should consider the range of interventions available to meet the behavioural needs of the pupil e.g. SAFeH. Inclusion/Behaviour Support, EP.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.
- Pupils aged 18 or over have the right to represent themselves instead of parent/carer.
- Any decision to exclude must be made in line with the principals of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate.
- Governors should not interpret a parent's acceptance of full-time education off-site as signalling agreement with the Headteacher's decision to exclude.

Academies – a parent may invite an LA rep to attend a meeting of the Academy's Local Governing Committee as an observer and he/she can only make representations with the Local Governing Committee's consent.

Model letter 1 – Fixed Term Exclusion (up to 5 days/lunchtime exclusion)

From the headteacher of a school notifying a parent of:

- a single fixed period exclusion of 5 school days or fewer and where a public examination is not missed
- a fixed period exclusion which does not take the total of fixed period exclusions to more than 5 in one term;
- a lunchtime exclusion. (Parts 4 - 6 DfE guidance 2017)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

Dear [Parent/Carer's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [reason for exclusion].

You have the right to make representations about this decision to the Local Governing Committee. [Child's Name] may also be involved in making representations [Explain how this may happen]. If you wish to make representations please contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]. Whilst the Local Governing Committee has no power to direct reinstatement and is not required to arrange a meeting with you, they must consider any representations you make and may place a note of their findings on your child's educational record.

[For pupils of compulsory school age only]

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates] unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for [Child's Name] to be completed during the period of his/her exclusion. [Detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking. [If alternative provision is being arranged during an exclusion of 5 days or less the letter should provide details – when/where it will take place and who to report to on the first day.]

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).**

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. We will hold a reintegration meeting on **[detail the arrangements for the pupil's return to school]**.

Yours sincerely

[Name]
Headteacher

Model Letter 2 – Fixed term Exclusion (6-15 days in one term)

From Headteacher notifying parent of a single fixed period exclusion of between 6 and 15 days in length or one which would take the total of exclusions in one term to more than 5 and up to and including 15 school days (Parts 4 - 6 DfE guidance 2017)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

Dear **[Parent/Carer's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period/number of days]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

If requested to do so by parents, the Local Governing Committee must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

[insert date here — no later than 15 school days from the date the Local Governing Committee is notified].

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]** You may invite a representative of the local authority to attend a meeting of an Academy's Local Governing Committee as an observer; that representative may only make representations with the Local Governing Committee's consent.

If you wish to request the Local Governing Committee meet to consider this exclusion please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The Local Governing Committee will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 50 school days from receiving notice of the exclusion. The Local Governing Committee will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only]

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise

you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his/her exclusion **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

For a fixed period exclusion of more than five school days, the Local Governing Committee must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion **[INSERT NAME OF ALTERNATIVE PROVISION]** (School must arrange this and meet costs) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.**

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).**

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. We will hold a reintegration meeting on **[detail the arrangements for the pupil's return to school]**.

Yours sincerely

[Name]

Headteacher

Model Letter 3 – Fixed term exclusion (15 days or more in one term)

From Headteacher notifying parent of a fixed period exclusion of more than 15 school days in total in one term (or which brings the pupil's total number of days of exclusion to more than 15 in one term). (Parts 4 - 6 DfE guidance 2017)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

Dear [Parent/Carer's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period/number of days]. This means that [Child's Name] will not be allowed in school for this period. The exclusion start date is [date] and the end date is [date]. Your child should return to school on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [specify reasons for exclusion].

The Local Governing Committee must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term. The latest date on which the Local Governing Committee can meet is [insert date here — no later than 15 school days from the date the Local Governing Committee is notified].

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher will also be invited to attend and to make representations. [Child's Name] may also be involved in making representations. [Explain how this may happen] You may invite a representative of the local authority to attend a meeting of an Academy's Local Governing Committee as an observer; that representative may only make representations with the Local Governing Committee's consent.

If you wish to make representations please contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?].

The Local Governing Committee will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 15 school days from receiving notice of the exclusion. The Local Governing Committee will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform [Clerk] if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only]

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his/her exclusion **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

For a fixed period exclusion of more than five school days, the Local Governing Committee must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion **[INSERT NAME OF ALTERNATIVE PROVISION]** (School must arrange this and meet costs) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.**

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).**

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. We will hold a reintegration meeting on [detail the arrangements for the pupil's return to school].

Yours sincerely

[Name]

Headteacher

Model Letter 4 – Permanent Exclusion

From the Headteacher of a school notifying the parent(s) of a pupil's permanent exclusion. (Parts 4 - 6 DfE guidance 2017)

Dear [Parent/Carer's Name]

I regret to inform you of my decision to permanently exclude [Child's Name] with effect from [date]. This means that [Child's Name] will not be allowed in this school unless he/she is reinstated by the Local Governing Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the exclusion — include any other relevant previous history].

As this is a permanent exclusion the Local Governing Committee has a legal requirement to consider the exclusion.

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher will also be invited to attend and to make representations. [Child's Name] may also be involved in making representations. [Explain how this may happen] You may invite a representative of the local authority to attend a meeting of an Academy's Local Governing Committee as an observer; that representative may only make representations with the Local Governing Committee's consent.

If you wish to make representations please contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?].

The Local Governing Committee will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform [Clerk] if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only]

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates] unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

Alternative arrangements for [Child's Name]'s education to continue will be made.

For the first five school days of the exclusion we will set work for **[Child's Name]** to be completed during the period of his/her exclusion. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion. **(Please add details here of Pupil Referral Unit)** will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known state that the arrangements will be notified by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.]** I have forwarded your details to the **Pupil Referral Unit** and they will be in touch shortly. They can be contacted on **(Add phone number here)**

[Where pupil lives in a local authority other than the excluding school's local authority - For pupils of compulsory school age only]

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion. I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- **[Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).]**

Yours sincerely

[Name]
Headteacher

Model Letter 5 - From the Local Governing Committee of a school notifying a parent of its decision not to reinstate a pupil

From the Local Governing Committee of a school notifying a parent of its decision not to reinstate a pupil (i.e. to uphold the head's decision to permanently exclude the pupil). (Part 6 DfE guidance 2017)

(Please forward a copy of this letter to the LA)

Dear **[Parent/Carer's Name]**

The meeting of the Local Governing Committee at **[Name of school]** on **[date]** considered the decision by **[Head's Name]** to permanently exclude your **[son/daughter Name]**. The Local Governing Committee, after carefully considering the representations made and all the available evidence, has decided to uphold the permanent exclusion of **[Name of Pupil]**.

The reasons for the Local Governing Committee's decision are **[Insert reasons in sufficient detail to enable all parties to understand why the decision was made]**.

.....

You have the right to ask for this decision to be reviewed by an independent review panel. If you wish to make an application for a review of the Local Governing Committee's decision you will need to do so no later than **[day and date – i.e. 15 school days plus 2 school days from the date of the letter when posted by 1st class post; 'Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail'.]** If you make an application for a review after this date it will be rejected by the local authority.

The application should be made to: enquiries@bwmat.org

Please inform us if you have a disability or special needs which would affect your ability to attend the hearing or if it would be helpful for you to have an interpreter present at the hearing.

The role of the independent review panel is to review the Local Governing Committee's decision not to reinstate a permanently excluded pupil. The panel can decide to:

- Uphold the exclusion decision
- Recommend that the Local Governing Committee reconsiders their decision; or
- Quash the decision and direct that the Local Governing Committee considers the exclusion again

Any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion. You have the right to require the Local Authority to appoint a SEN expert to attend the review regardless of whether your child has recognised special education needs; there would be no cost to you for this. The role of the SEN expert is to provide impartial advice to the independent review panel on how special educational needs might be relevant to the exclusion. You must make it clear in your application for a review whether you wish for a SEN expert to be appointed.

You may, at your own expense, appoint someone to make written and/or oral representations to the independent review panel. You may also bring a friend to the review.

In addition to your right to apply for an independent review panel, if you believe that the exclusion has occurred as result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. A claim of discrimination should be lodged within six months of the date on which the alleged discrimination took place e.g. the day on which **[Name of Pupil]** was excluded.

The following sources of free and impartial information will allow you to make an informed decision on whether and how to seek a review of the Local Governing Committee's decision:

- Department for Education guidance - Exclusion from maintained schools, academies and pupil referral units in England
[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion from maintained schools academies and pupil referral units guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_schools_academies_and_pupil_referral_units_guidance.pdf)
- Guidance on making a claim of discrimination to the First-tier tribunal –
<http://www.justice.gov.uk/tribunals/send/appeals>
- the Coram Children's Legal Centre – www.childrenslegalcentre.com , they can be contacted on 0808 802 0008
- [Also include where considered relevant by Local Governing Committee – contact details for Traveller Education Services (EMTAS) or Supportive Parents for SEN pupils]

If you do not intend to make an application for a review of this decision you may confirm this in writing to me, but please note, once the Local Governing Committee has received your decision **not** to apply for a review the head teacher will remove your child's name from the school register.

Yours sincerely

[Name]

Chair/Clerk to the Local Governing Committee

